



JUDICIAL HANGING

To the Editor of THE LANCET.

SIR,—Your having done me the honour of publishing my letter on the above subject in THE LANCET of 1908 makes it, I feel, incumbent on me to enter more fully into it, and especially into the evidence brought before Lord Aberdare's Capital Sentences Committee 27 years ago, and the extraordinary recommendations of that committee. The admission of the subject of "judicial hanging" to the pages of THE LANCET is proof of its suitability for discussion by the medical profession, from whose ranks alone can arbitrators be provided.

As Dr. F. Wood-Jones points out in his article published by you on Jan. 4th, "For a long while the facts here mentioned" (proving the efficacy of the submental knot) "have been known in an indefinite way. The submental knot was strongly advocated to, and apparently approved by, the Committee on Capital Sentences in 1886, but it was not made a recommendation in its resolutions." That committee seems to have been alone influenced by the evidence of Dr. (now Sir) James Barr, then Kirkdale prison medical officer, who advocated the long drop with the subaural knot, relying alone on "the energy of the fall as the chief factor"—i.e., on clumsy, uncertain, brute force. The adoption of this system might have been justified if it had been shown that the lesions produced in a number of executions were similar, but Dr. Barr's own evidence (Report, paras. 759, 760, and 761, p. 28) on his 15 post-mortem examinations at Kirkdale says "the injuries vary very much, dislocations having been found"

Table of 15 Executions at Kirkdale Prison, 1883-1886.

No.	Weight.		Drop energy.		Result.
	st. lb.	lb.	ft. in.	ft. lb.	
1	11 4	158	7 0	1106	Asphyxia.
2	9 8	134	7 5½	1001	"
3	10 2	142	7 8	1082	"
4	11 3	157	7 11¼	1246	Dislocation.
5	11 4	158	8 0	1264	"
6	10 4	144	9 2	1320	"
7	8 6	118	9 6	1121	"
8	11 1	155	8 7½	1336	"
9	9 4	130	9 3	1202	"
10	10 2	142	9 3	1313	"
11	10 4	144	9 6	1368	"
12	8 6	118	10 9	1268	"
13	9 4	130	11 0¾	1438	"
14	9 5	131	10 8½	1402	"
15	9 4	130	8 9	1139	"

more frequently between the second and third vertebræ, and as low down as between the fifth and sixth, while he found "fractures of the transverse processes of the second, third, fourth, and fifth, of the odontoid process, of the body of the axis and of the arch."

What a contrast to the uniformity of lesion produced by the submental knot in Captain C. F. Fraser's cases, quoted in Dr. Wood-Jones's paper. But less illuminating still are the figures relating to the allotment of the Kirkdale drops, for it will be noticed in the subjoined list of executions there (Report, paras. 607-620, p. 23) that there are three culprits.

Scale of Drops Laid Down by Lord Aberdare's Committee.

Weight of culprit.		Drop.	Energy developed.
st.	lb.	ft. in.	ft. lb.
7	98	11 5	1119
8	112	10 0	1120
9	126	9 6	1197
10	140	9 0	1260
11	154	8 2	1258
12	168	7 6	1260
13	182	6 11	1259
14	196	6 5	1258
15	210	6 0	1260
16	224	5 7	1251
17	238	5 3	1250
18	252	5 0	1260
19	266	4 8	1241
20	280	4 6	1260

of 130 lb. weight, one of whom got 9 ft. 3 in., another 11 ft. 0½ in., and a third, 8 ft. 9 in., one of 131 lb. getting 10 ft. 8½ in., while a drop of 9 ft. 6 in. was impartially given to one of 118 lb. and to another of 144 lb.—another 118 lb. man getting 10 ft. 9 in. Dr. Barr stated (para. 621) that the executioner was responsible for these drops.

I shall now, with your permission, give a few brief extracts from reports in the *Standard* of executions since the committee laid down the foregoing drops to show that the rules were never adhered to. In three reports the weights were not given, but in only one case out of the ten has the drop exceeded 7 ft., the average being 6 ft. 9 in., and the average “foot-poundage” for the seven whose weights were given is 932½ or (as I stated in my former letter) about three-quarters of that laid down—viz., 1260.¹

1. Joseph Morley, Nov. 20th, 1887. Springfield Prison, Chelmsford; Berry the hangman. “Quite a lad,” height, 5 ft.; weight, 8 st. (112 lb.); drop, 7 ft.; energy developed, 784 ft. lb. “Death instantaneous.”

2. Robert Upton, July 18th, 1888. Oxford Gaol; Berry. Age, 61; weight not stated; drop, 7 ft.; nearly decapitated. “Berry had given a drop of 5 ft., but it looked more after the drop. The prison officials and reporters then heard a splashing sound and looking into the cavity they saw that the shock of the fall had torn the flesh of the culprit’s neck from which blood had poured into the pit below and splashed on the side of the scaffolding.” “One who was present” wrote to the *Daily Telegraph*: “The doctor on the best data swore at the inquest that he was convinced that the drop was 7 ft. instead of 5. I am in a position to say that this is the general opinion of all those present most likely to know, and this opinion is quite unaffected by Berry’s oath to the contrary.”

3. Ebenezer Jenkins, March 6th, 1889. Wandsworth; Berry. Age, 20; weight, not stated; drop, 6 ft. 6 in. At the inquest “Dr. Quinton stated that the convict was such a spare youth that it was necessary to put a 7 lb. weight on each of his feet.” “Appeared to die instantly.”

4. Frederick Davis, August 26th, 1890. Birmingham; Berry. Weight, 10 st. (140 lb.); drop, 6 ft. 6 in.; energy, 910 ft. lb. “At the inquest on the body it was stated that there was a shocking gash in the man’s throat, severing the windpipe and blood-vessels. In fact, the culprit’s head had been nearly pulled off.”

5. James Harrison, August 26th, 1890. Leeds; Billington executioner. Age, 40; weight, not stated; drop, 6 ft. 2 in. “Died without a struggle.”

6. Thomas Macdonald, Dec. 30th, 1890. Kirkdale Prison, Liverpool; Berry. Age, 34; weight, 8 st. 10 lb. (122 lb.); drop, 9 ft. 2 in.; energy, 1096 ft. lb. “The length of the drop fixed was 8 ft., but the actual drop as registered was 9 ft. 2 in. The execution was stated by Dr. Barr to have been the quickest ever known.”

¹ I will send these newspaper cuttings gummed into a book to THE LANCET Office.

7. John Conway, August 20th, 1891. Kirkdale Prison, Liverpool; Berry. Weight, 11 st. 2 lb. (156 lb.); drop, 6 ft.; energy, 936 ft. lb. "The blood from the dead man's body was heard streaming on to the floor of the pit. It was then seen that the condemned man's head had been almost torn from his body, and was hanging merely by the muscles of the neck." Berry is stated to have afterwards said to the reporters, "They would have given him another 8 in. drop but for me. I would not have given him above 4 ft. 6 in." At the inquest "Dr. Barr said there was no hitch in the execution, and the usual verdict was returned, no reference being made to the horrible scene in the pit." The Central News says: "The publication of the painful details connected with the execution of Conway has caused a feeling of horror in the city. On all hands expressions are heard that the cause of the bungling ought to be fully inquired into. Speaking to Berry a few minutes afterwards, a reporter said, 'You have made a mess of it this time, Mr. Berry.' 'Not I,' replied the hangman; 'I am not to blame for anything that has occurred; all is left to the doctor now, and this comes of not taking my advice.'"

8. Albert Milsom, June 9th, 1896. Newgate Prison, London; Billington. Age, 33; weight, 9 st. 12 lb. (138 lb.); drop, 6 ft. 9 in.; energy, 931½ ft. lb.

9. Henry Fowler, June 9th, 1896. Newgate, London; Billington. Age, 31; weight, 11 st. 2 lb. (156 lb.); drop, 6 ft.; energy, 936 ft. lb.

10. William Seaman, June 9th, 1896. Newgate; Billington. Age, 46; weight, 9 t. 12 lb. (138 lb.); drop, 6 ft. 9 in.; energy, 931½ ft. lb.

Of these three simultaneous executions it was reported "Except a twitching of the ropes, by reason of the weight suspended from them, there was no indication that life was left in the culprits after the fall. The medical officers (Dr. Pitcairn and Dr. Scott) at once descended the pit and reported that death had been instantaneous." The report also stated that in Fowler's case the knot had been placed "under the chin" (!). For fuller information may I refer your readers to the original letters of mine with illustration in the *British Medical Journal* of Oct. 6th, 1888, and following numbers.

I think I have shown by the facts stated in this letter the absolute uncertainty of the present system (or want of system) in hanging criminals with a long drop and subaural knot, and also the uncertainty as to whom the responsibility belongs, prison surgeon or hangman. That the latter should have any voice in the matter seems preposterous, as also that such an official should exist in the twentieth century. The reports of "instantaneous death" at executions in conjunction with "muscular twitchings" or movements of any kind, carry no conviction to me, for, if I learned one thing definitely, it was that the body of a hanged culprit rendered really insensible by injury to the brain or spinal cord makes no movement whatever. The barbarous act of launching a human being into space with 6 ft. to 10 ft. of slack rope attached to the neck by a constricting noose *must* result in uncertainty, even without the chances of degeneracy of tissues from disease or old age. I but advocate the principle of "Arte non Vi," the motto of my old hospital in the Coombe, Dublin, and other surgeons, far more scientific than I pretend to be, are already confident that my chin-trough concentrates the deadliness of the submental knot by keeping the ascending rope on the point of the chin to deliver its blow there.

There need be no fear as to the time occupied, for I have often gone through the whole process on a model and had the time accurately taken, the results being a shade under that taken by Berry in ordinary cases. I believe that between 3 ft. and 4 ft. will be sufficient drop, with the trough, for a culprit of any weight, so that the operation will be sure and simple—capable of being easily taught to, and practised by, intelligent prison warders, who could travel to the different prisons. I should add that an opportunity for testing the trough has now been afforded me, and I hope soon to prove all I claim for it.—I am, Sir, yours faithfully,

JOHN J. DE ZOUCHE MARSHALL, L.R.C.S. Irel. &c.,
Lieutenant-Colonel, R.A.M.C. (T.) (retired).

Thames Ditton, S.W., Feb. 13th, 1913.

[P.T.O.]

JUDICIAL HANGING.

THIS theme is admittedly unpleasant, but there is no reason why this innate unpleasantness should be an excuse for shelving any discussion of the merits or demerits of the present system of despatching our unfortunate fellows who have been duly and properly condemned to death. The plain question is: Are we using the best methods to ensure a certain, sudden, and painless death for these people? and the only answer that can be given is that, if we are still acting on the recommendations of Lord Aberdare's committee of 1886, we certainly are not. So far as we are aware, no more recent official recommendations have been made or adopted; and yet much scientific evidence has accumulated in the meanwhile which compels us to regard the subaural knot, and the long drop, as clumsy and uncertain. Indeed, the committee of 1886 appeared to entertain the same opinion, for an idea—observable in all its findings, and expressed by the President himself—was that it is better to risk decapitation than to produce the prolonged struggle of strangulation. Now even at that time, as many of the witnesses attested, it was well known that these gruesome extremes were not the only alternatives, for it was made clear that death could be produced suddenly and certainly without the risk of dragging the victim's head off (as has been several times done) or the fear of a slow strangulation (as was formerly customary). Several of the witnesses testified to the demerits of the subaural knot when compared with a knot placed under the point of the chin, and on reading the report of the committee's investigations it is extremely difficult to see why the adoption of the submental knot was not made a part of their recommendations. In 1886 it seemed clearly indicated, by the evidence then obtainable, that the submental knot was by far the most effective, and at the present time the evidence seems overwhelming. We have recently published notes in which Dr. F. Wood-Jones has described the lesion produced by a submental knot,² and also an experiment in which he and Lieutenant-Colonel John J. de Zouche Marshall, R.A.M.C.(T.), produced complete severance of the cervical vertebræ with a force of less than one-fourth that used in our judicial hangings. All the evidence seems to show that death with a submental knot is certain and sudden; that there is no risk of either decapitation or of mere strangulation; and the conclusion seems to be inevitable that we are not using the best, or the most humane, methods in our present system of hanging. It is admitted that there is a tendency for a knot to slip from the point of the chin, and to obviate this Lieutenant-Colonel Marshall has invented a "chin trough" which holds the rope in position. The question which should now present itself to the authorities is, Granting that the submental knot is the most humane, what is the best method of ensuring the rope being retained at the point of the chin? This question, it seems to us, should be dealt with seriously, for so long as criminals are to be executed it is only fitting that the manner of their death should be the most humane that scientific knowledge can devise. We are inclined to think that other reforms might well be introduced into our present system, and much of its mediæval crudities might be reduced by the abolition, or more complete subordination, of that anomalous individual—the "public or common hangman." In another column we publish a letter from Lieutenant-Colonel Marshall upon the subject of the methods employed in modern executions.

² THE LANCET, Jan. 4th, 1913, p. 53.